

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RUSSELL WILLIAM BELL,

Petitioner

v.

C-1-01-161

LAWRENCE MACK,

Respondent

**ORDER**

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 11) to which the Petitioner objects (doc. no. 12). The Judge concluded that the petitioner's claims are barred from review by the one-year Statute of Limitations governing federal Habeas Corpus actions and the petitioner has not demonstrated that he should be excused. The Judge therefore recommended that the petition be denied.

Upon a *de novo* review of the record, especially in light of petitioner's objections, the Court finds that his contentions have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge that petitioner's claims be denied.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (doc. no. 11) and the petition for a writ of habeas corpus is hereby **DISMISSED WITH PREJUDICE** as time-barred under 28 U.S.C. § 2244(d).

A certificate of appealability should not issue with respect to the constitutional claim because "jurists of reason would not find it debatable whether this Court is correct in its procedural ruling" as required under the first prong of the two-part standard enunciated in ***Slack v. McDaniel***, 529 U.S. 473, 484-85 (2000), which is applicable to this case because petitioner's claims for relief have been found to be barred from review on procedural grounds. Accordingly, a certificate of appealability shall not issue. **See** 28 U.S.C. § 2253(c); Fed. R. App. P. 22.

The case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court

J:\HJWB\01-161.wpd